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|  | Brussels, 29 April 2019 |
| Mr Philipp Stutz  E-Mail: ask+request-6605-62bcc598@asktheeu.org | |
| Ref. 19/0780-vl/dm  Request made on: 13.03.2019  Deadline extension: 03.04.2019 | |
| Dear Mr Stutz, | |

Thank you for your request for access to documents of the Council of the European Union.[[1]](#footnote-1)

Your request aimed to collect the following information:

*"- A list of documents in which data from the CIREFI database was used*

*- Analyses in which data from the CIREFI database was used*

*- The complete raw data of the CIREFI database before it was handed over to FRONTEX*

*- A clarification on what happened with CIREFI data after it or the task of reporting on it was handed over to FRONTEX that goes beyond what is explained in document Council 6504/10."*

CIREFI's core task was the collection of data, so almost every CIREFI document relates to this. For your information, to help you further define your query and start identifying the documents you are looking for, may we suggest that you conduct a complementary search within the Council's public register at <http://register.consilium.europa.eu/>. The Council's public register contains references to most Council documents since 1999 (exceptions may apply regarding classified documents), of which approximately 75% are public and available for downloading. By choosing the option "Search in the register", you can search for documents using several criteria, in this case entering the relevant wording in the subject or text box, subject matter (we suggest CIREFI and COMIX).

Although your research was very general and not sufficiently precise, in the light of its internal research, the Transparency team of the Council has been able to identify several reports focused on CIREFI's work, most of which are in the public domain and, as we mentioned above, could be downloaded through a research in the public register of Council documents. However, for your convenience, we are enclosing herewith copy of the documents we identified for the years 2002-2009.

Concerning the method of collection/exchange of data within CIREFI, it has been amended several times in the course of CIREFI's existence

In its conclusions of 30 November 1994 (published in OJ No C 274 of 19.9.1996) on the organisation and development of CIREFI, the Council stated that this Working Party "collates statistical information, using standard forms, on legal immigration, illegal immigration and unlawful residence, the facilitation of illegal immigration, the use of false or falsified travel documents, and measures taken by the competent authorities. On this basis it draws up regular and occasional situation reports, commenting on trends, developments and changes. The Working Party also analyses the information compiled, draws conclusions and, when appropriate, gives advice."

A form (10074/94 CIREFI 22) was prepared in 1994 by the German Presidency which was designed as a comprehensive exchange of information form setting out a great deal of information on trafficking routes and methods, travel documents found to be irregular, users of counterfeit documents and information on the procurement of documents necessary for completing the deportations (problem countries). The Spanish Presidency in 1995 considered that the document should be simplified so that the information exchange could take place.

During the Irish Presidency in 1996, a start was made in CIREFI on a general review of the Working Party's methods, including the question of how CIREFI's existing arrangements for collecting and analysing statistical data could be improved.

Further to this, the Netherlands Presidency in 1997 sent out a questionnaire to look into how the

definitions used in exchanging statistics within CIREFI were interpreted in individual countries.

The Netherlands Presidency also drew up two documents on exchange of information in the fields

of asylum and immigration (7341/97 ASIM 73 and 10295/97 ASIM 162).

According to point 12 in 7341/6/97 ASIM 73 REV 6, it was agreed a new working method for collection and analysis of statistical data by CIREFI, including the collection criteria and definitions, should be carefully prepared.. On the basis of this document the Luxembourg Presidency prepared the recommendations to the Council contained in document 10295/1/97 ASIM 162 REV 1. These included the recommendation that the Council invite the Commission to ask its statistical service to collect and process the statistical data in the fields of immigration and asylum which are currently exchanged in CIREFI and CIREA

It was then agreed at the Justice and Home Affairs Council on 19 March 1998 that the Commission's statistical service, EUROSTAT should be invited to take responsibility for the gathering and processing of data on behalf of CIREFI. At the same time it was agreed that national experts from interested Member States, together with the Commission, should meet to examine within the Council the method of collecting data to improve its comparability as regards both content and frequency on 9 February 1998.

The Council accordingly charged in 1998 Eurostat with the data collection for CIREFI. The CIREFI working party itself continued with the exchange of information according to an agreed format which was sometimes amended and there was a monthly exchange of information in CIREFI and Member States were invited to send the information in advance (see the attached situation reports) following the agreed format.

Finally, in the light of our consultations with the competent services, there appear to be no records on this issue following the transfer to FRONTEX. Therefore you may wish to address your question to the FRONTEX services.

With a view to optimising CIREFI's practices and working methods and promoting analysis and synthesis and the formulation of practical recommendations, it was recognised that practical arrangements for the exchange of statistical and factual information on the current situation of illegal immigration and its networks were to be reviewed. The French Presidency therefore elaborated a new form and it was agreed that at each meeting every delegation should make a summary – following a uniform model – and submit a written document (9804/00).

Consultations on documents 10074/94, 7341/97 + REV 6, 10295/97 + REV1 and 9804/00 are still ongoing and you will receive a complementary reply as soon as these consultations are completed.

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).[[2]](#footnote-2)

Yours sincerely,

Paulo VIDAL

Enclosures

1. The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35). [↑](#footnote-ref-1)
2. Article 7(2) of Regulation (EC) No 1049/2001.

   Council documents on confirmatory applications are made available to the public. Pursuant to data protection rules at EU level (Regulation (EU) No 2018/1725, if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent. [↑](#footnote-ref-2)